

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

John Edmund Mackiewicz

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Disc Brake

EXAMINER: L. Nguyen

FILED: July 30, 2003

SERIAL. 10/630,993

OFFICIAL

Confirmation No. 7733

South Bend, Indiana 46634

April 30, 2004

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Election Requirement

Sir:

In response to the Election/Restriction Requirement dated April 26, 2004, applicant has reviewed the application and for purpose of examination, applicant has elected with traverse the Species B illustrated in Figure 9.

Claims 1-11 read on the structure associated with Species B.

It is applicant's opinion that Claims 1-11 are generic to both Species A and B and in support to this contention independent Claims 1 and 8 are hereinafter reproduced with numbers added to identify the various components that function in a same manner in both Species A and B.

Claim 1. A disc brake (10) (110) having an anchor (12) fixed to a housing (14), said anchor (12) having first (18) (118) and second (20) (118') rails that align first (22) and second (24) friction members with a rotor (26), said first (22) (120) and second (24) (120') friction members being respectively moved into engagement with first (27) and second (25) radial surfaces on said rotor (26) to develop a brake force that opposes the rotation of said rotor (26) to effect a brake application, said brake force being communicated through first (22) and second (24) friction members into said anchor (12) during the brake application characterized in that a thickness of said rotor (26) between corresponding positions (h,h')(l,l') on said first (27) and second (25) radial surfaces may vary, and in that said first rail (18) (118) has a first section (32) and a second (34) section each of which has a constraining surface

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(52,52') (141,141') separated from a bearing surface(54,54')(143,143'); and in that said second rail (20)(118') has a first section (36) and a second section (38) each of which has a constraining surface (40,40') (141,141') separated from a bearing surface (46,46')(143,143'); and in that said first friction member (22) (120) has a first carrier (62) (122) with a first projection (70) (80) on a first end (68) (124) and a

LEO H. MCCORMICK JR.  
2112 MISHAWAKA AVENUE  
P.O. BOX 4721  
SOUTH BEND, INDIANA 46634-4721  
PHONE 574-233-7369

## FACSIMILE TRANSMITTAL SHEET

TO:	Examiner: L. Nguyen	FROM:	Leo H. McCormick Jr.
COMPANY:	United States Patent & Trademark Office	DATE:	03.25.2004
FAX NUMBER:	703-872-9306	TOTAL NO. OF PAGES INCLUDING COVER:	* 5
PHONE NUMBER:	703-308-2575	SENDER'S REFERENCE NUMBER:	R.75389
RE:	Election	SERIAL NO.:	U.S. Patent App. 10/605,993 filed 07.30.2003 Confirmation No.7733

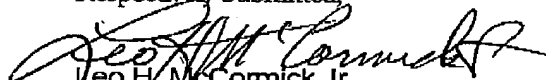
Hon. Commissioner of Patent and Trademarks

Dear Sirs:

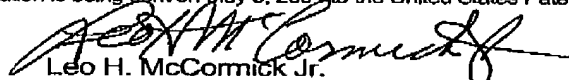
This is in response to an office action dated April 26, 2004.

Thank you for your assistance.

Respectively Submitted,

  
Leo H. McCormick Jr.  
Registration No. 25897

I hereby certify that this communication is being sent on May 5, 2004 to the United States Patent Office by fax to the following No. 703-872-9306.

  
Leo H. McCormick Jr.  
Registration No. 25897

arcuate positions on said first and second radial surfaces with respect to an axis of rotation; and in that said first friction member (22)(120) has a first carrier (62)(122) with a first projection (70)(128) on a first end (66)(124) and a second projection (70')(130) on a second end (68)(126), said first projection (70)(128) on said first carrier (62)(122) of said first friction member (22)(120) being located in said first rail (18)(118) and said second projection (70')(130) thereof being located in said second rail (20)(118') to align said first friction member (22)(120) in a first plane substantially parallel with said first radial surface (27) on said rotor (26); and in that said second friction member (24)(120') has a second carrier (64)(122') with a first projection (80)(128) on a first end (78)(126) and a second projection (80')(130) on a second end (82)(126), said first projection (80)(128) on said second carrier (64)(122') being located in said second rail (20)(118') and said second projection (80')(130) thereof being located in said first rail (18)(118) to align said second friction member (24)(120') in a second plane substantially parallel with said second radial surface of said rotor (26); and in that said first projection (70)(128) on said first carrier (62)(122) is pushed into engagement with a first abutment surface (42)(152) on said first rail (18)(118) and in that first projection (80)(128) on said second carrier (64)(122') projection is pulled into engagement with a second abutment surface (52)(150) on said second rail (118') and as a result said second projection (70')(130) on said first carrier member (62)(122) and said second projection (80')(130) on said second carrier (64)(122') may sequentially pivot whenever said first (22)(120) and second (24)(120') friction members encounter thickness variations in said rotor (26) such that the introduction of stress forces ( $L, L_1$ ) on the first projections (70,80)(128)(128') at the respective points of engagement with the abutment surfaces is prevented.

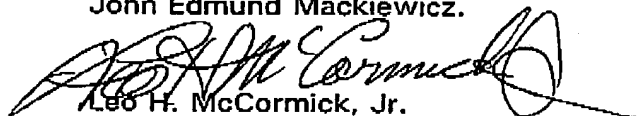
The structural features recited in independent claims 1 and 8 function in a manner such that when a vehicle is traveling in first direction one half of the generated stopping force is transmitted into an anchor (12) through a first carrier at first support (32) on a first rail (18) (118) while the other half of the force is transmitted into a second support (38) on a second rail (20)(118') which are located on opposite corners of a disc brake (10) (110) such that variances in the thickness of a rotor (26) will allow the carriers to pivot about these points of engagement and thus eliminate the introduction of lateral forces

(L,L') into the carriers (62,64) (120,120'). This structural and functional relationship is not suggested in any prior art known by applicant.

Applicant is responsive to the requirement of the election requirement and in any event, the structure for Species B illustrated in Figure 9 is a preferred embodiment since the single carrier provides for ease in production in the assembly of a disc brake. For this reason Species B is elected for purposes of examination and searching this time.

Respectively Submitted

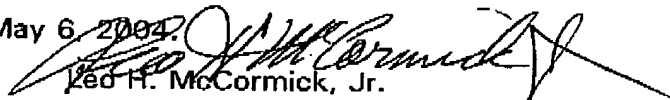
John Edmund Mackiewicz.



Attorney, Reg. No. 25,897

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent by fax to the following No. 703-872-9306 on May 6, 2004.



Attorney, Reg. No. 25,897